

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 37 – SB 659

February 14, 2023

SUMMARY OF BILL: Removes the following exclusions from the *Tennessee Firearms Freedom Act* (Act): (1) a firearm that cannot be carried and used by one person; (2) a firearm that has a bore diameter greater than one and one-half inches and that uses smokeless powder as a propellant; (3) a firearm that discharges two or more projectiles with one activation of the trigger or other firing device; and (4) ammunition with a projectile that explodes after leaving the firearm. Prohibits an employee or elected or appointed official of a state or local government entity from enforcing a federal law in violation of the Act. Creates a Class A misdemeanor for a person to disenfranchise another of the person's constitutional rights in violation of the Act. Creates a Class B misdemeanor for a person to knowingly assist another in such violation. Creates a Class E felony for a person to order another to commit such violation.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Under the Act, a personal firearm, a firearm accessory or ammunition that is manufactured commercially or privately in this state and that remains within the borders of this state is not subject to federal law or federal regulation, including registration.
- Removing the outlined firearms and ammunition from being excluded from the Act would subject such items to the same exclusion from federal law or regulation under the Act. However, any impact on state or local revenue or expenditures.
- Prohibiting an employee or elected or appointed official of a state or local government entity from enforcing a federal law in violation of the Act will not have a significant impact on state or local government expenditures.
- This analysis assumes individuals charged with a Class E felony of ordering another to disenfranchise a person of their constitutional rights pursuant to the proposed legislation would be charged with the Class E felony offense of official oppression pursuant to Tenn. Code Ann. § 39-16-403 under current law.
- Pursuant to Tenn. Code Ann. § 39-16-403(c), a public servant acting under color of office or employment commits a Class E felony offense if such person intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power or immunity, when the public servant knows the conduct is unlawful.

- Based upon information provided by the Department of Correction, there has been zero admissions over the last 10 years for the Class E felony offense under Tenn. Code Ann. § 39-16-403 for official oppression.
- There will not be a sufficient change in the number of Class E felony prosecutions for state government to experience any significant change in revenue or expenditures.
- There will not be a sufficient number of Class A or Class B misdemeanor prosecutions for local government to experience any significant increase in revenue or expenditures.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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